

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

<b>JOHNNIE GARRETT, # N-20411,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b>Case No. 14-cv-00137-JPG</b>
	)	
<b>STATE OF ILLINOIS,</b>	)	
<b>PEOPLE OF ILLINOIS,</b>	)	
<b>WARDEN OF ILLINOIS,</b>	)	
<b>CHINA ANNE McCLAIN, and</b>	)	
<b>BARACK OBAMA,</b>	)	
	)	
<b>Defendants.</b>	)	

**DISMISSAL ORDER**

**GILBERT, District Judge:**

This matter has been pending since December 19, 2013, when Plaintiff filed a complaint pursuant to 42 U.S.C. § 1983 in the United States District Court for the Western District of Louisiana. *See Garrett v. State of Illinois, et al.*, Case No. 13-3283-P (W.D. La. Dec. 19, 2013). On February 6, 2014, the case was transferred to this Court (Docs. 3-4). It was opened without payment of a \$400.00 filing fee or the filing of a Motion and Affidavit to Proceed in District Court Without Prepaying Fees or Costs ("IFP Motion").

On February 7, 2014, the Clerk of Court sent Plaintiff a letter concerning this action (Doc. 5). The Clerk advised Plaintiff to pay the full filing fee or file an IFP Motion within thirty days, i.e., on or before March 10, 2014, if he intended to pursue his claims. Plaintiff was also provided with a blank IFP Motion form. Plaintiff failed to pay the full filing fee or file an IFP Motion by the deadline.

On March 14, 2014, this Court entered a Notice of Impending Dismissal (Doc. 6). Plaintiff was ordered to pay the full filing fee or file an IFP Motion no later than March 28, 2014.

He was warned that “[f]ailure to comply with th[e] Order may **result in dismissal** of this action for want of prosecution under Federal Rule of Civil Procedure 41(b)” (Doc. 6, pp. 1-2) (emphasis in original).

The date to pay the fee or file an IFP Motion has passed. Plaintiff has taken no action to comply with the Court’s Order (Doc. 6). The Court will not allow this matter to linger indefinitely.

Accordingly, this action is **DISMISSED** without prejudice for want of prosecution and for failure to comply with a Court order. FED. R. CIV. P. 41(b). *See generally Ladien v. Astrachan*, 128 F.3d 1051 (7th Cir. 1997); *Johnson v. Kamminga*, 34 F.3d 466 (7th Cir. 1994). This dismissal shall **NOT** count as a “strike” under 28 U.S.C. § 1915(g). Plaintiff’s obligation to pay the filing fee for this action was incurred at the time the action was filed, so the filing fee of \$400.00 remains due and payable. *See* 28 U.S.C. § 1915(b)(1); *Lucien v. Jockisch*, 133 F.3d 464, 467 (7th Cir. 1998).

The Clerk’s Office is **DIRECTED** to close this case.

**IT IS SO ORDERED.**

**DATED: April 7, 2014**

s/J. Phil Gilbert  
United States District Judge